

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

In re:

MERCY HOSPITAL, IOWA CITY, IOWA, et al.,

Debtors.¹

x

: Chapter 11

:

: Case No. 23-00623 (TJC)

: (Jointly Administered)

:

x

CONSENT ORDER BETWEEN THE LIQUIDATION TRUSTEE AND OWENS & MINOR, INC. (I) RESOLVING ADMINISTRATIVE CLAIMS OBJECTIONS AND OBJECTION TO PROOF OF CLAIM #10380, (II) MUTUALLY RELEASING ALL CLAIMS INCLUDING CHAPTER 5 CAUSES OF ACTION, AND (III) GRANTING RELATED RELIEF

The matters before the Court are the Liquidation Trustee (the “**Trustee**”) Dan R. Childers’ Objection against Owens & Minor Administrative Claim 10129 [Docket No. 1327], Objection against Owens & Minor Administrative Claim 40050 [Docket No. 1368], and Objection against Owens & Minor Claim 10380 [Docket No. 1534] (collectively, the “**Claims Objections**”). Pursuant to consent and stipulation, the Trustee and Owens & Minor, Inc. (“**O&M**”) hereby stipulate and agree to the below terms, and finding the below terms to be reasonable, appropriate, within the sound business judgment of the Trustee, and in the best interests of the Debtors’ estates and all creditors and other parties in interest, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. Within three (3) business days of this Consent Order becoming a final order of the Court, the Trustee shall cause \$250,000.00 (the “**Payment**”) to be wired to O&M pursuant to wire instructions to be provided to the Trustee by O&M.
2. Within three (3) business days of O&M’s receipt of the Payment, O&M shall cause

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number or business identification number, as applicable, are: Mercy Hospital, Iowa City, Iowa (0391), Mercy Services Iowa City, Inc. (1044), and Mercy Iowa City ACO, LLC (9472). The location of Mercy’s corporate headquarters and the Debtors’ service address is 500 E. Market Street, Iowa City, IA 52245.

Claim Nos. 10129, 40050, and 10380 (collectively, the “**Claims**”) to be withdrawn and removed from the claims register.

3. Upon this Consent Order becoming a final order of the Court, and upon O&M’s receipt of the Payment and upon O&M’s withdrawal of the Claims, the Trustee and O&M mutually release and forever discharge each other and each of their agents, officers, consultants, employees, legal counsel, accountants, financial advisors, and representatives of from any and all claims, demands, cross-claims, joinder actions, potential claims, actions, causes of actions, demands, costs, expenses (including attorneys’ fees and costs) and damages of any kind, known or unknown, liquidated or unliquidated, asserted or unasserted, real or potential, in law, in equity or otherwise, whether in contract or in tort or under any statute, or under any other legal theory, whether at law or in equity, matured or immature, fixed or contingent, including but not limited to the Claims and any and all causes of action under Chapter 5 of Title 11 of the United States Code (the “**Bankruptcy Code**”) and/or other applicable state or federal law, including but not limited to any causes of action that arise under Section 547 of the Bankruptcy Code.

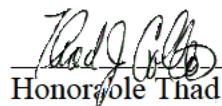
4. Consistent with the Confirmed Plan (DE No. 1050), final Confirmation Order (DE No. 1114), and Liquidation Trust Agreement (DE No. 993-3), no notice to creditors or any other parties in interest of the terms contained herein is required outside of the entry of this Consent Order and service of same to those parties registered to receive ECF notifications in these bankruptcy cases, nor is any approval required pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure or otherwise.

5. O&M’s deadline to respond to the Claims Objections is extended indefinitely and will be mooted upon this Consent Order becoming a final order of the Court.

6. This Consent Order shall be immediately effective and enforceable upon entry and any applicable stay is hereby waived.

7. The Court retains jurisdiction to interpret and/or enforce the terms of this Consent Order.

Entered this 29th day of April, 2025.



Honorable Thad J. Collins, Chief Judge

Order prepared by
Eric W. Lam AT0004416
Counsel for the Trustee

So Consented:
/s/ Robert S. Westermann
Counsel for O&M

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